

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY**

ROTINI AZU OWOH,	:	Case No. _____
<i>Plaintiff,</i>		
v.		
PHH MORTGAGE SERVICES LLC,		
<i>Defendant.</i>		

NOTICE OF REMOVAL

Defendant, PHH Mortgage Services LLC (“PHH” or “Defendant”), by and through its undersigned counsel, hereby files this Notice of Removal pursuant to 28 U.S.C. §1441(a). The grounds for this removal are set forth as follows:

1. On December 5, 2020, Plaintiff Rotimi Azu Owoh (“Plaintiff”), filed a complaint (the “Complaint”) in the Superior Court of New Jersey entitled *Azuowoh Rotimi v. PHH Mortgage Services LLC*, at Docket Number BUR-L-2380-20 (the “State Court Action”).¹
2. Pursuant to § 1446(a), a copy of the summons, dated December 7, 2020, and Complaint with its appended exhibits, which constitute copies of all “process, pleadings, and orders” in the State Court Action, are attached hereto as **Exhibit 1**.

¹ Different variations of Plaintiff’s name appear on Plaintiff’s various filings in the state court and the caption assigned by the state court. Plaintiff’s state court summons identifies Plaintiff as “Azuowoh Rotim.” See Exhibit 1. Plaintiff’s state court Complaint identifies Plaintiff as “Azu Owoh Rotimi.” *Id.* In the Complaint, Plaintiff avers to be the intended recipient of certain monthly mortgages statements appended to the Complaint that are addressed to “Rotimi Owoh.” *Id.* Although the state court’s docketing system identifies Plaintiff as “Azuowoh Rotimi,” Defendant believes, and therefore avers herein and has captioned its Notice of Removal to reflect, that Plaintiff’s name is Rotimi Azu Owoh.

3. Plaintiff's Complaint alleges that Defendant violated the Real Estate Settlement Procedures Act, 12 U.S.C. § 2601, *et seq.* (hereinafter, "RESPA") and the Fair Debt Collection Practices Act, 15 U.S.C. § 1692, *et seq.* (hereinafter, the "FDCPA"), and other federal statutes and regulations. Exhibit 1, Complaint at ¶24.

4. Plaintiff's action is a civil action over which this Court has original jurisdiction under 28 U.S.C. §1331 and is one which may be removed to this Court by Defendant pursuant to the provisions of 28 U.S.C. §1441(a) because the Complaint alleges that Defendant violated RESPA and FDCPA.

5. Defendant was served with the Complaint on or about December 9, 2020.

6. This Notice of Removal is being timely filed within thirty (30) days of receipt of the Complaint by Defendant as required by 28 U.S.C. §1446(b).

7. Pursuant to 28 U.S.C. §1446(d), a copy of this Notice of Removal is being served upon Plaintiff and a copy is being filed with the Clerk of the Superior Court of New Jersey, Burlington County.

8. This Court is part of the "district and division" embracing the place where the Complaint was filed—Burlington County, New Jersey—and so this Court is the proper venue for removal. 28 U.S.C. § 1446(a).

9. A copy of the Notice of Filing of Notice of Removal, which is being timely filed with the clerk of the state court in which the action is pending (and which will be served on Plaintiff's counsel pursuant to 28 U.S.C. § 1446(d)), is attached hereto as **Exhibit 2**.

10. This Notice of Removal is signed pursuant to Fed. R. Civ. P. 11. *See* 28 U.S.C. § 1446(a).

11. If Plaintiff seeks to remand this case, or this Court considers remand *sua sponte*, Defendant respectfully requests the opportunity to submit such additional argument or evidence in support of removal as may be necessary.

WHEREFORE, PHH Mortgage Services LLC respectfully requests that this action be removed to the United States District Court for the District of New Jersey.

Respectfully submitted,

BLANK ROME, LLP

Dated: January 7, 2021

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CERTIFICATE OF SERVICE

I, Edward W. Chang, hereby certify that a true and correct copy of the foregoing document was served upon the following individuals via electronic and regular mail on January 7, 2021.

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